

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>IN RE: ACTIQ SALES AND MARKETING PRACTICES LITIGATION</b>	<b>:</b>	<b>CIVIL ACTION NO. 07-4492</b>
	<b>:</b>	
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<b>AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, DISTRICT COUNCIL 47 HEALTH AND WELFARE FUND, ET AL.,</b>	<b>:</b>	
<b>Plaintiffs,</b>	<b>:</b>	<b>CIVIL ACTION NO. 09-431</b>
	<b>:</b>	
	<b>:</b>	
	<b>:</b>	
	<b>:</b>	
	<b>:</b>	

<b>CEPHALON, INC.,</b>	<b>:</b>	
<b>Defendant.</b>	<b>:</b>	

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**ORDER**

**AND NOW**, this \_\_\_\_ of August, 2009, upon consideration of Defendant's Motion for Judgment on the Pleadings as to the RICO Counts in the AFSCME Complaint (Doc. 108), and Plaintiffs' Response thereto (Doc. 111), **IT IS HEREBY ORDERED AND DECREED** that Defendant's Motion is **DENIED**.

**BY THE COURT:**

/s/ **Petrese B. Tucker**

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**Hon. Petrese B. Tucker, U.S.D.J.**